

**AGREEMENT BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND THE GOVERNMENT OF THE REPUBLIC OF NICARAGUA
CONCERNING THE IMPOSITION OF IMPORT RESTRICTIONS
ON ARCHAEOLOGICAL MATERIAL FROM
THE PRE-HISPANIC CULTURES OF THE REPUBLIC OF NICARAGUA**

The Government of the United States of America and the Government of the Republic of Nicaragua;

Acting pursuant to the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property, to which both countries are States Party; and

Desiring to reduce the incentive for pillage of certain categories of irreplaceable archaeological material representing the Pre-Hispanic cultures of Nicaragua;

Have reached the following agreement:

ARTICLE I

- A. The Government of the United States of America, in accordance with its legislation entitled the Convention on Cultural Property Implementation Act, will restrict the importation into the United States of archaeological material identified on a list to be promulgated by the U.S. Government (hereafter "Designated List"), based on the request presented by the Nicaraguan Institute of Culture, unless the Government of the Republic of Nicaragua issues a certification or other documentation which certifies that such exportation is for an exposition or scientific study, of a temporary nature, and not in violation of its laws.
- B. The Government of the United States of America shall offer for return to the Government of the Republic of Nicaragua any material on the Designated List forfeited to the Government of the United States of America.
- C. Such import restrictions will become effective on the date the Designated List is published in the *U.S. Federal Register*, the official United States Government publication providing fair public notice.

ARTICLE II

- A. The Government of the Republic of Nicaragua will use its best efforts to permit the exchange of its archaeological materials according to the procedures established by the National Legislature and under circumstances in which such exchange does not jeopardize its cultural patrimony.
- B. Representatives of the Government of the United States of America will participate in joint efforts with representatives of the Government of the Republic of Nicaragua to publicize this Agreement.
- C. The Government of the United States of America will use its best efforts to facilitate technical assistance to Nicaragua in cultural resource management and security of archaeological materials, under existing programs in the public and/or private sectors in the United States.

- D. Both Governments will seek to encourage academic institutions, non-governmental institutions, and other private organizations to cooperate in the interchange of knowledge and information about the cultural patrimony of Nicaragua, and to collaborate in the preservation and protection of such cultural patrimony through appropriate technical assistance, training, and resources.
- E. The Government of the Republic of Nicaragua will seek to develop professional training programs for archaeological and museum staff and public institution administrators responsible for cultural patrimony.
- F. Both Governments agree that, in order for United States import restrictions to be fully successful in thwarting pillage, the Government of the Republic of Nicaragua will endeavor to strengthen cooperation within Central America, and especially with neighboring states, for the protection of the cultural patrimony of the region, recognizing that political boundaries and cultural boundaries do not coincide. The Government of the Republic of Nicaragua agrees that at the end of three years from the effective date of this Agreement, it will inform the Government of the United States of America of steps it has taken toward achieving regional import restriction agreements.

ARTICLE III

The obligations of both Governments and the activities carried out under this Agreement shall be conducted in accordance with the applicable laws and regulations of each country, including the availability of funds.

ARTICLE IV

- A. This Agreement shall enter into force on the date on which the Governments shall have notified each other by diplomatic note that each has completed all the internal requirements for its entry into force. It shall remain in force for a period not to exceed five years, unless extended by mutual agreement.
- B. This Agreement may be amended through an exchange of diplomatic notes.
- C. The effectiveness of this Agreement shall be subject to continuous review by both Governments.
- D. Either Government may give written notice to the other of its decision to terminate this Agreement, in which case the Agreement shall terminate six (6) months following the date of such notice. Such termination shall not adversely affect ongoing programs.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed the present Agreement.

DONE at Managua, in duplicate, this sixteenth day of June, 1999, in the English and Spanish languages, both texts being equally authentic.

FOR THE GOVERNMENT OF
THE UNITED STATES OF AMERICA:
Lino Gutierrez

FOR THE GOVERNMENT OF
THE REPUBLIC OF NICARAGUA:
Eduardo Montealegre